

REMARKS

Claims 1 and 4-7 remain pending in this application for which applicants seek reconsideration.

Amendment

Independent claims 1 and 5 have been amended to clarify that the sound-insulating wall is integrally fixed to the wall of the suction muffler body and reinforces the suction muffler body. No new matter has been introduced.

Art Rejection

Claims 1 and 5 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lee (USP 6,446,454) in view of Johnson (USP 6,390,132). Claims 4 and 7 were rejected under § 103(a) as unpatentable over Lee in view of Johnson and Ono (USP 6,155,067). Lastly, claim 6 was rejected under § 103(a) as unpatentable over Lee in view of Johnson and Myung (USPGP 2002/0090305). The examiner essentially reformulated the previous rejections by adding Johnson to reject all pending claims.

Applicants traverse these rejections because the applied references would not have disclosed or taught at least the integrally formed fixed sound-insulating wall as set forth in independent claims 1 and 5.

Specifically, independent claims 1 and 5 call for first and second communicating paths opening in a horizontal direction, and an integrally formed fixed sound-insulating wall forming an opposite vertical face confronting both of the horizontally oriented openings of the first and second communication paths situated in a sound-deadening space. The sound-insulating wall also reinforces the wall of the suction muffler body. Claim 1 further defines that the sound-insulating wall and the wall of the suction muffler body form a blocked space. Claim 5 further defines that the sound-insulating wall works as a guiding wall for guiding gas sucked from the second communication path to the first communication path smoothly.

In contrast, Lee's vibration plate 42 and Johnson's deflection plate 66 are both configured to be movable relative to the wall of their muffler body instead of being integrally fixed thereto. On this difference alone, applicants submit that claims 1 and 5 clearly distinguish over the Lee and Johnson, even if the combination were deemed properly combinable for argument's sake.

As Lee's vibration plate 42 and Johnson's deflection plate are both movably situated (i.e., not integral with wall of the suction muffler body), they cannot reinforce the muffler body

wall. Moreover regarding claim 1, in Lee and Johnson, the lubrication oil seeps through the gap between their movable plate and their muffler body wall. Accordingly, noise and pressure oscillation in their muffler body transmit through the gap.

In rejecting claim 6, the examiner relied upon Myung for the proposition that providing a U-shaped guide wall 131 in Lee would have been obvious. Although applicants disagree with the examiner's assessment that Myung's guide wall is U-shaped, even if the combination were deemed proper for argument's sake, Myung would not have alleviated shortcomings of Lee and Johnson noted above.

Conclusion

Applicants submit that claims 1 and 4-7 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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